

Minutes

Planning Committee

Venue:	Council Chamber
Date:	Wednesday 8 March 2017
Time:	2.00pm
Present:	Councillors J Cattnach (Chair), D Peart (Vice-Chair), M Jordan (substitute for I Reynolds), Mrs E Casling, I Chilvers, J Deans, B Marshall, C Pearson and Mrs S Duckett (substitute for P Welch).
Apologies:	Councillors I Reynolds and P Welch.
Officers present:	Kelly Dawson, Senior Solicitor; Jonathan Carr, Interim Lead Officer (Planning); Calum Rowley, Senior Planning Officer; Thomas Webster, Principal Planning Officer; Yvonne Naylor, Principal Planning Officer; Fiona Ellwood, Principal Planning Officer; Keith Thompson, Senior Planning Officer; and Janine Jenkinson, Democratic Services Officer.
Public:	24
Press:	1

54. DISCLOSURES OF INTEREST

All councillors reported that they had received communications in relation to the following applications on the agenda:

- 2016/1482/COU – 3 Low Street, Sherburn In Elmet
- 2016/0644/OUT – Main Street, North Duffield, Selby

55. CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair reported that the following training sessions had been arranged for Planning Committee members:

- Urban Design Training - Friday 24 March 2017, 1- 4.30 pm, at the Civic Centre, Selby.
- Planning Best Practice - Friday 7 April 2017, 1- 4.30 pm at Community House, Selby.

The Chair reported that application 2016/1368/FUL – Old Forge Cottage, Main Street, Church Fenton, Tadcaster had been withdrawn by the applicant, and therefore would not be considered at the meeting.

In addition, the Chair advised the Committee that the order of the agenda had been adjusted to reflect the number of public speakers registered in relation to each application. It was noted that application 2016/0644/OUT – Main Street, North Duffield, Selby had a number of speakers registered and therefore would be considered first.

56. SUSPENSION OF COUNCIL PROCEDURE RULES

The Committee considered the suspension of Council Procedure Rules 15.1 and 15.6 (a) to allow for a more effective discussion when considering planning applications.

RESOLVED:

To suspend Council Procedure Rules 15.1 and 15.6 (a) for the duration of the meeting.

57. MINUTES

The Committee considered the minutes of the Planning Committee meeting held on 8 February 2017.

In relation to Minute 53.3 – 2016/1322/OUTM – Colton Lane, Appleton Roebuck, the Chair requested that the following additional wording be inserted at the end of the first paragraph:

‘The Update Note also included specific reference and assessment of the inter-relationship of this proposed development to a nearby site which was refused consent for residential development under application – 2016/0201/OUT, with a plan showing this site included as part of the Officer Update Note and within the presentation slides. The different impacts of the two sites in relation to long distances views and their relationship to the urban form was explained to the Committee.’

RESOLVED:

To approve the minutes of the Planning Committee meeting held on 8 February 2017, subject to the inclusion of the wording as set out above.

58. PLANNING APPLICATIONS RECEIVED

The Committee considered the following planning applications.

58.1 Application: 2016/0644/OUT

Location: Main Street, North Duffield, Selby

Proposal: Outline planning application for up to 57 dwellings and a new community football pitch with parking, a changing room/clubhouse to include access (all other matters reserved) at land off York Road.

The Principal Planning Officer introduced the application and referred the Committee to the additional information provided in the Update Note. The Update Note outlined additional correspondence that had been received and issues that had not previously been raised. In addition, the Update Note reported that in light of the further issues that had been raised, the Principal Planning Officer had been in discussion with North Yorkshire Highways. North Yorkshire Highways had provided a full response regarding visibility and crossing issues, members were advised that the full response was set out in the Officer Update Note.

The Principal Planning Officer reported that the application had been considered at the Planning Committee meeting held on 11 January 2017. The application had been recommended for approval; however at the meeting, members had raised concerns in relation to scale and size, inappropriate development and the application being contrary to policies ENV1 (1) and (4) of the Local Plan and SP18 and SP19 of the Core Strategy. It had been resolved at the meeting to refuse the application and to delegate authority to officers to formulate suitable wording for the reasons for refusal.

The Principal Planning Officer reported that at the Planning Committee meeting held on 8 February 2017. Members had been informed that further discussions between officers and the applicant had taken place, in relation to reducing the number of dwellings proposed. Members had been advised, at the meeting, that if an amended application was not forthcoming, the original application would be brought back to be determined by the Committee.

The Principal Planning Officer reported that for a number of reasons a revised scheme had not been submitted and the applicant had requested that the original application now be determined.

Members were informed that officers had now considered the reasons for refusal and it was deemed necessary to expand on the reasons, to ensure they were robust. As such, the Committee was requested to consider the revised wording for the reasons for refusal, as set out in the report.

Claire Walker, a local resident, spoke in objection to the application.

Joyce Baines-Holgate, Parish Councillor, spoke in objection to the application.

Councillor Karl Arthur, Ward Member, spoke in objection to the application.

Richard Morton, the applicant's agent, spoke in support of the application.

It was proposed and seconded that the application be refused for the reasons set out in section 5.2 of the report.

RESOLVED:

To REFUSE the application for the following reasons:

- I. **The site lies outside the established development limits of North Duffield and due to its excessive size and position would not represent a natural rounding off or provide new defensible boundaries. It would expand the settlement outwards, increasing the depth of built form at the edge of the village, creating an additional large block of development encroaching into the rural open countryside location at the northern end of the village. It would create a harsh urban edge abutting the existing field track when viewed from the east due to the solid amount of housing and the lack of landscaping. Furthermore, it would leave an area of undeveloped land between the northern edge of the development and the proposed football pitch which would be subject to future pressure for infill development. The scheme would therefore result in a development which would have a significant and demonstrably harmful impact on the character, form and setting of the village contrary to the aims of Policies SP1, SP18 and SP19 of the Selby District Core Strategy Local Plan (SDCSLP), ENV1 of the Selby District Local Plan (SDLP) and with the National Planning Policy Framework (NPPF).**

- II. **The proposal due to the scale, at approximately 57 dwellings, is not considered to be appropriate to the size and role of North Duffield, a settlement, which is designated a service Village in the Core Strategy. There are already extant approvals on smaller sites for a total of 59 dwellings and capacity for significant growth already therefore exists in the**

village. Continued expansion of North Duffield would undermine the spatial integrity of the development plan and the ability of the council to deliver a plan led approach. Therefore the proposal would conflict with the Spatial Development Strategy for the District and the overall aim of the Development Plan to achieve sustainable patterns of growth. The proposal is therefore contrary to Policies ENV1 of the SDLP and Policies SP1, SP2, SP4, SP18 and SP19 of the SDCSLP and with the NPPF.

58.2 Application: 2016/0141/COU

Location: Birchwood Lodge, Market Weighton Road, Barlby, Selby

Proposal: Proposed change of use to form grass runway

The Principal Planning Officer introduced the application and referred the Committee to the additional information provided in the Update Note. The Update Note set out the following additional conditions, to be attached to any permission granted:

- Applicant / owner to keep a log of flights
- A condition requiring the scheme to be in accordance with approved plans.

The Principal Planning Officer presented the report and explained that the application had been brought before the Planning Committee at the request of Ward member, Councillor Karl Arthur for the reasons outlined in the report.

It was noted that the application had been considered by the Planning Committee on 8 February 2017, where members had resolved to defer a decision on the application in order to undertake a site visit. The Principal Planning Officer reported that a Committee site visit had been undertaken on Tuesday 7 March 2017, and members had now had the opportunity to view and assess the site location and surrounding area.

The Committee was advised that in-line with General Permitted Development Order, 2016 (GPDO), the applicant had used permitted development rights to convert part of the field to a grass runway, which had facilitated 15 flights a year. The applicant now sought to increase the number of flights beyond what was permissible under GPDO and therefore planning permission was required. Members were advised that having assessed the proposal against the relevant policies, the application was considered to be acceptable in respect of design, impact on character of the area, flood risk, drainage, climate change, highway safety, residential amenity, land contamination and nature conservation. The Committee was therefore recommended to approve

permission for a two year period, after which the applicant would need to submit another application, to continue the use.

Michael McDonald, a local resident, spoke in objection to the application.

Councillor Karl Arthur, Ward Member, spoke in objection to the application.

Some concern was raised in relation noise nuisance, safety, the close proximity of neighbouring dwellings, and detrimental impact on the amenity of nearby residents.

The Principal Planning Officer's recommendation to approval the application was moved and seconded.

An amendment to refuse the application was proposed, on the grounds the proposal would have an adverse impact on the amenity of nearby residents, environmental impact, noise pollution, impact on nearby wildlife and increased traffic generation. The amendment was not seconded, and fell accordingly.

The proposal to approve the application was voted upon.

RESOLVED:

To APPROVE the application, subject to the conditions set out in section 3.0 of the report presented to the Committee on 8 February 2017, and the additional conditions detailed in the Officer Update Note.

58.3 Application: 2016/1482/COU

Location: 3 Low Street, Sherburn In Elmet

Proposal: Proposed change of use to fish and chip shop (A5)

The Senior Planning Officer introduced the application and referred the Committee to the additional information provided in the Update Note. The Update Note outlined five further letters of objections that had been received. The Senior Planning Officer advised that the additional letters had not raised any issues that had not already been addressed in the report. In addition, the Senior Planning Officer reported that Councillor Buckle had sent an email regarding the North Yorkshire County Council, Healthier Choices Campaign, which related to tackling obesity in the Selby area, and the North Yorkshire Joint Strategic Needs Assessment Annual Update 2016. The Committee was advised that these campaigns / documents held no weight in the determination of the application and the proposal should be assessed against local and national planning policies as set out in the report.

The Senior Planning Officer explained that the application had been brought before the Planning Committee due to there being more than 10 representations being received contrary to the Officer's recommendation, and at the request from Councillor Buckle, for the reasons outlined in the report.

The Senior Planning Officer reported that the site was located within a commercial zone of Sherburn In Elmet and there was a variety of uses within the surrounding area including A1 (shops), A2 (financial and professional services), A4 (drinking establishments), A5 (hot food takeaway) and C3 (residential). Members were advised that with regard to the Development Plan, all other relevant local and national policy, consultation responses and all other material planning considerations, the proposed change of use would not have a detrimental impact on the character and form of the area, residential amenity or highway safety. The Committee was recommended to approve the application.

Councillor D Buckle, a local resident and District Councillor spoke in objection to the application.

Councillor M Hobson, Ward Member, spoke in objection to the application.

Some members raised concerns in relation to noise/smell nuisance, inappropriate development, detrimental impact to existing businesses in the area, and adverse impact on the amenity of nearby residential neighbours.

Some members highlighted that there were no policy reasons to refuse the application and felt the application should be approved.

The recommendation to approve the application in-line with the Senior Planning Officer's recommendation was moved and seconded.

An amendment was proposed and seconded that the application be refused on the grounds the application was inappropriate development in the village centre, detrimental impact on existing businesses and adverse impact on the amenity of nearby residents. The proposal was not supported by the Committee and fell accordingly.

The proposal to approve the application was voted upon.

RESOLVED:

To APPROVE the planning application, subject to the conditions set out in section 2.12 of the report.

58.4 Application: 2016/1258/COU

Location: Land to Rear of the Lodge, 23 Selby Road, Riccall

Proposal: Demolition of outbuildings on site, change of use to allow the siting of 6 no. holiday use only units on land.

The Senior Planning Officer introduced the application and referred the Committee to the additional information provided in the Update Note. The Update Note reported that the applicant had submitted amended plans and descriptions; however neighbouring residents remained opposed to the application. The Committee was advised that no new issues had been raised, that had not already been addressed in the report. The Update Note reported

that if approved, Condition 17 would be updated to reflect the amended plans received. In addition, the Senior Planning Officer explained that it was considered reasonable and necessary to attach a condition to any permission granted to ensure there was no permanent occupation of the lodges.

The Senior Planning Officer explained that a neighbour dispute regarding the accuracy of the plans showing access to the site and land around nos.19, 21 and 23 Selby Road had now been clarified by the agent supplying a copy of the title deed plan and update to the red edge plan. The Committee was advised that any further dispute regarding the title deed plan/location would be a civil matter and was not a planning consideration.

Members were advised that the application had been brought before the Committee due to more than 10 objections having been received, contrary to the Officer's recommendation to approve the scheme.

The Senior Planning Officer reported that the proposal was considered to be in accordance with Policies SP1, SP2 and SP13 of the Core Strategy and RT12 of Selby District Local Plan and the National Planning Policy Framework. Members were informed that the proposal was considered to be acceptable in respect of matters of acknowledged importance such as design, impact on the character and form of the area, highway safety, drainage and flood risk, residential amenity and nature conservation. The Senior Planning Officer therefore recommended the application be approved.

Mr M Lane, the applicant's agent, spoke in support of the application.

The Senior Planning Officer's recommendation to approve the application was moved and seconded.

RESOLVED:

To APPROVE the planning application, subject to the conditions set out in section 3.0 of the report, an updated Condition 17 to reflect the amended plans received, and the additional condition detailed in the Officer Update Note.

58.5 Application: TPO 3/2016

Location: Land at East Acres Byram

Proposal: Tree Preservation Order (TPO)

The Principal Planning Officer introduced the application and referred the Committee to the additional information provided in the Update Note. The Update Note outlined comments that had been received from ECUS Arboricultural Consultants acting on behalf of one of the site landowners. Members were informed that advice from Landscape Advisors had been sought and it had been concluded that in the context of the adjacent site / site having consent for development under 2016/0831/FUL, the TPO should be confirmed in-line with the following amendments:

- Confirm protection of T1 as part of the TPO.

- Group W1 should be retained within the TPO as it has amenity value and being covered by the TPO would give the Council control over any pruning works arising from pressure from future occupiers of the adjacent development and ensure that the areas value within the local landscape context is retained.
- Group W2 does have value as a group, however in the context of the consent for the development of the site this group should be removed from the TPO and T8 and T9 and T11 on ECUS Drawing L7633/01 added to the TPO upon confirmation.

The Principal Planning Officer presented a report that sought the permission of the Planning Committee to 'confirm, with no modification', Tree Preservation Order (TPO) No. 3/2016, to which an objection had been received.

Members were informed that in accordance with the scheme of delegation, the TPO could not be confirmed under delegated powers, due to the objection received.

The Committee's attention was drawn to the officer update and amended recommendation to confirm the TPO with modifications. Members were advised that TPO 03/2016 would protect specific trees, groups of trees and woodlands in the interests of amenity; its use was deemed appropriate to protect the trees not consented for removal under application 2016/0831/FUL, as removal would have a significant detrimental impact on the local environment and its enjoyment by the public.

The Principal Planning Officer's recommendation to confirm the TPO in accordance with the recommendation as set out in the Officer Update Note was moved and seconded.

RESOLVED:

To CONFIRM the Tree Preservation Order No.3/2016 subject to the modifications set out in the Officer Update Note.

The meeting closed at 3.50 pm.